

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PENDLETON DIVISION

**JAMES CHARLES FUDGE,**

Plaintiff,

v.

No. 2:19-cv-01102-SB

**BRET BENNETT et al.,**

OPINION AND ORDER

Defendants.

**MOSMAN, J.,**

On June 9, 2022, Magistrate Judge Stacie F. Beckerman issued an Order [ECF 149] denying Plaintiff's Motion for Appointment of Counsel [ECF 145]. Plaintiff James Charles Fudge objects to that order [ECF 151]. Upon review, I agree with Judge Beckerman and DENY Plaintiff's Objections [ECF 151].

**DISCUSSION**


A magistrate judge in a civil action is permitted "to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, . . . to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action." 28 U.S.C. § 636(b)(1)(A); *see also* Fed. R. Civ. P. 72(a) ("When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the

magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision.”); LR 72-1. When a magistrate judge decides a matter under § 636(b)(1)(A), a district judge may reconsider the magistrate’s order if the order is “clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A). Similarly, under Rule 72(a), “[t]he district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.”

Upon review, I agree with Judge Beckerman’s Order [ECF 149], and I ADOPT it as my own. Plaintiff’s Motion for Appointment of Counsel [ECF 145] is DENIED. Plaintiff’s Objections [ECF 151] are DENIED.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of June, 2022.

  
MICHAEL W. MOSMAN  
Senior United States District Judge